

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DR. MARCO A. BITETTO,

Plaintiff,

1:18-cv-00886 (BKS/ATB)

v.

JO SEONG-JIN,

Defendant.

Appearances:

Marco A. Bitetto
Rensselaer, NY 12144
Plaintiff, pro se

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Marco Bitetto commenced this action pro se on July 30, 2018, asserting that the case “deals with the theft of patented protected information by Samsung corporation.” (Dkt. No. 1). This matter was assigned to United States Magistrate Judge Andrew T. Baxter who, on August 9, 2018, issued an Order and Report-Recommendation (the “Report-Recommendation”), recommending that Plaintiff’s complaint be dismissed, without prejudice to amendment pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim. (Dkt. No. 5). Magistrate Judge Baxter advised Plaintiff that, under 28 U.S.C. § 636(b)(1) and Local Rule 72.1(c), he had 14 days within which to file written objections to the Report-Recommendation, and that the failure to object to the Report-Recommendation within 14 days would preclude appellate review. (Dkt. No. 5, at 8). No objections to the Report-Recommendation have been filed.

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is

ORDERED that the Report-Recommendation (Dkt. No. 5) is **ADOPTED** in its entirety; and it is further

ORDERED that Plaintiff’s complaint is **DISMISSED, without prejudice to amendment** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim; and it is further


ORDERED that Plaintiff may file an amended complaint within 45 days from the date of this Order; and it is further

ORDERED that, if Plaintiff fails to file an amended complaint within 45 days from the date of this Order or request an extension of time to do so, this action will be dismissed without further Order of the Court; and it is further

ORDERED that the Clerk serve a copy of this Order upon Plaintiff in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: September 27, 2018
Syracuse, New York


Brenda K. Sannes
U.S. District Judge